

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**J.M., individually and as Parent and Next Friend  
of R.M. a Child with a Disability,**

**Plaintiffs,**  
**vs.**

**MEXICO ACADEMY AND CENTRAL  
SCHOOL DISTRICT,**

**Defendant.**

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**Lead Case**  
**5:2008-cv-1079**  
**(NAM/GJD)**

**Member Case**  
**5:2009-cv-0209**  
**(NAM/GJD)**

**APPEARANCES:**

Office of Andrew K. Cuddy  
5888 Main Street  
Williamsville, NY 14221  
*Attorney for Plaintiffs*

**OF COUNSEL:**

Jason H. Sterne, Esq.

Office of Frank W. Miller  
6575 Kirkville Road  
East Syracuse, NY 13057  
*Attorney for Defendant*

Frank W. Miller, Esq.

**Norman A. Mordue, Chief U.S. District Judge:**

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

Pursuant to the settlement conference held on December 10, 2009, the parties have entered into an agreement in settlement of all claims in the above-titled cases, and that they reasonably anticipate finalizing their agreement shortly, following which the actions will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned cases are hereby **DISMISSED** in their entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned cases shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open the cases within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: December 11, 2009  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge